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10 Attorneys for defendants Charles Schwab & Co., Inc., Schwab Investments, and Charles Schwab Investment Management, Inc.

16 JERRY SMIT, individually and on behalf of all
others similarly situated,

Case No. CV-10-3971 JSW

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER RE RESPONSE TO
COMPLAINT**

Plaintiff,

V.

CHARLES SCHWAB & CO., INC., SCHWAB INVESTMENTS, and CHARLES SCHWAB INVESTMENT MANAGEMENT, INC..

Date Action Filed: Sept. 3, 2010

1 WHEREAS, on September 3, 2010, Jerry Smit (“Plaintiff”) filed a complaint against
2 Charles Schwab & Co., Inc., Schwab Investments, and Charles Schwab Investment Management,
3 Inc. (“Defendants”);

4 WHEREAS, Plaintiff served Charles Schwab & Co., Inc. and Charles Schwab Investment
5 Management, Inc., on September 22, 2010, and served Schwab Investments on September 24,
6 2010;

7 WHEREAS, on October 6, 2010, the Court related the *Smit* action to *Northstar Financial
8 Advisors, Inc. v. Schwab Investments*, Case No. 08-cv-4119-LHK;

9 WHEREAS, the parties in the *Northstar* action have stipulated to a briefing schedule on
10 defendants’ motion to dismiss and the Court has entered an order setting a hearing on that motion
11 for January 13, 2011;

12 WHEREAS, the parties in the *Smit* action have met and conferred and agree that it makes
13 sense for the convenience of the Court and the parties to adopt the same briefing and hearing
14 schedule for Defendants’ motion to dismiss in this related action;

15 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject to
16 Court approval, that Defendants shall have an extension of time to file their motion to dismiss
17 until on or before November 10, 2010, Plaintiff’s opposition shall be filed on or before December
18 6, 2010, Defendants’ reply shall be filed on or before December 21, 2010, and the hearing on the
19 motion shall be set for January 13, 2011 at 1:30 p.m. or as soon thereafter as the matter may be
20 heard.

21 IT IS SO STIPULATED.

22 Dated: October 8, 2010

DARRYL P. RAINS
EUGENE ILLOVSKY
CRAIG D. MARTIN
DOROTHY L. FERNANDEZ
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24
25 By: /s/ Dorothy L. Fernandez
Dorothy L. Fernandez

26
27 Attorneys for defendants Charles Schwab & Co.,
Inc., Charles Schwab Investment Management,
28 Inc., and Schwab Investments

1 Dated: October 8, 2010

HAGENS BERMAN SOBOL SHAPIRO LLP

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21 Counsel for Plaintiff Smit and the Proposed Class

22 IT IS SO ORDERED.

23 Dated: October 19 2010

24 
25 HONORABLE LUCY H. KOH
26 UNITED STATES DISTRICT JUDGE